



The Sunshine City

CITY OF TUCSON

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September 4, 1995

William F. Caton, Acting Secretary
Office of the Secretary
Federal Communications Commission
1919 M. Street NW
Washington, D.C. 20554

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RE: PR Docket No. 92-235 and Further Notice of Proposed Rule Making

Dear Mr. Caton:

The Federal Communications Commission, in action taken June 15, 1995, adopted its Report and Order regarding the transition to narrowband technology in the VHF and UHF frequency bands. The decision to accomplish the transition by type accepting only equipment that operates with a 12.5 KHz channel bandwidth after August 1, 1996, and 7.5 and 6.25 KHz bandwidths after January 1, 2005, alleviates the concerns the City of Tucson had with the rule changes as originally proposed in November 1992. The City appreciates the Commission modifying its original proposal, thereby giving users more time to develop plans and more importantly, time to find the necessary budget capacity to fund the replacement of existing systems.

The City also appreciates the opportunity to provide comment on the three options put forth in the Commission's Further Notice of Proposed Rule Making regarding exclusivity, user fees, and competitive bidding.

Exclusivity

The City of Tucson believes users should be allowed up to five years from January 1, 2005, the date the Commission has set for type accepting only narrowband equipment, to retain their right to exclusivity, if they have made a commitment by January 1, 2000, to convert to the new technology. If manufacturers are not producing narrowband equipment in sufficient quantities to meet the expected demand until mid or late 2004, licensees may be hampered in their effort to replace entire systems as quickly as they and the Commission would like. This is particularly true if the user has a significant number of channels, as most local governments do, and all need to be changed over relatively short periods of time.

The City also believes that current users should be granted exclusivity on those channels for which they already hold licenses, if they meet their commitment to convert, and that no other entity be granted exclusivity on those channels until such time as the license holder surrenders its license.

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Exclusivity should not be limited to existing users. However, the Commission should initially limit exclusivity to existing license holders to prevent the hoarding of newly freed up channels. After the January 1, 2000, deadline for existing license holders to submit their plans for conversion, new requests for exclusivity should be restricted to applicants who are able to justify the need. We also believe the Commission should ensure that there are channels available for shared use by setting aside a reasonable percentage for that purpose. There should be additional discussion before a decision is made as to what that percentage should be. We would suggest the Commission propose what it feels would be necessary and request additional comment.

The City does not believe the Commission needs to adopt new rules to govern channel interference between shared and exclusive channels. Adjacent and co-channel interference is nothing new and license holders have been able to resolve these problems in the past using existing rules. We believe that a good Frequency Coordinator can do a lot to prevent such problems from occurring and can be very effective in helping resolve problems as they occur.

Reducing the number of radio services could assist in the resolution of these problems if the number of Frequency Coordinators were also reduced. Reducing the number of radio services might help the Commission, but without an equal reduction in Coordinators it would do nothing for the license holders, and in fact could create more problems than it solves by having three, four or more Coordinators in a state doing the same work. For example, each of the existing radio services have spent a considerable amount of time and money developing their own data bases. Combining services while maintaining the same number of Coordinators means a license application will have to be processed by each of the Coordinators, or the data bases would have to be combined (at considerable expense) to allow one of the Coordinators to handle the coordination.

User Fees/Competitive Bidding

The City of Tucson supports the Commission's position on exempting public safety users from having to pay user fees and from having to bid for necessary channels for the reasons mentioned in its Further Notice of Proposed Rule Making. Public safety users are responsible for meeting an ever increasing demand on their services. Most public safety agencies are functions of local governments, county and city, and have difficulty in generating the revenue necessary to purchase and maintain the equipment used in their communications networks. The City of Tucson, for example, provides public safety communications services beyond its political boundaries and has been forced to look for ways to generate the revenue to keep its medical emergency dispatch system operational. We see the need to expand existing systems and may need additional channels in the future. Many smaller agencies have even more difficulty in finding the funding to provide basic services.

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Paying user fees or competing with larger governmental agencies or private companies with many more resources could deprive rural and smaller urban areas of vital life and property saving services.

Without additional discussion, we are unable to give support to the idea of setting aside channels for the exclusive use of public safety users. How many channels would be set aside? Would the fact that there are channels set aside for public safety users prevent them from using channels that have not been set aside? Would public safety users have to bid for the additional channels they need and then pay user fees for those channels? Who would make the decision as to what channels are set aside, and how many will there be? The idea is very appealing, but there are a number of issues to be addressed before a decision should be made.

Finally, the Commission asks for comment on what to do with the new channels created as a result of the transition to narrowband technology and mentions several alternatives. We believe all three have merit and that a combination might be the best solution. Some new channels ought to be frozen until they can be auctioned; some should be allocated for public safety use only; and some could be divided between the new, consolidated radio services to be issued to new users, which could include some competitive bidding.

We appreciate the opportunity to comment on the Report and Order and Further Notice of Proposed Rule Making, PR Docket No. 92-235.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ron Meyerson", written in a cursive style.

Ronald L. Meyerson, Director
Department of Operations

cc: Michael F. Brown, City Manager
Scott Ullery, Assistant City Manager
Len Johnson, Communications Administrator
Rich Brace, Comm. Maintenance Superintendent
Jim Perry, Comm. Operations Superintendent
Bill Price, Communications Engineer
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RLM:kc